

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

A.J. COLE, )  
                  )  
Petitioner,    )  
                  )  
v.               )                  No. 4:11CV1020  
                  )  
TROY STEELE,    )  
                  )  
Respondent.     )

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's Motion for Evidentiary Hearing on his pro se Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The parties consented to the jurisdiction of this Court under 28 U.S.C. § 636(c).

Petitioner filed a habeas petition on June 3, 2011 and an amended petition on June 20, 2011. On July 1, 2011, the Respondent filed a Response to Order to Show Cause Why the Writ of Habeas Corpus Should not be Granted, and the Petitioner filed a Traverse on July 29, 2011. On that same date, Petitioner also filed the present Motion for Evidentiary Hearing.

Rule 8(a) of the Rules Governing Section 2254 Cases in the United States District Courts provides, “[i]f the petition is not dismissed, the judge must review the answer, any transcripts and records of state-court proceedings, and any materials submitted under Rule 7 to determine whether an evidentiary hearing is warranted.” Upon thorough review of the record, it appears that the materials and exhibits are sufficient to determine the merits of Petitioner’s claims, and therefore an evidentiary hearing is unnecessary at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Motion for Evidentiary Hearing [Doc. #9] is **DENIED** without prejudice.

Dated this 28th day of September, 2011.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE